

THE NORTH CAROLINA STATE BAR, Plaintiff)	
v. PERRY W. MARTIN, Attorney,)))	COMPLAINT
Defendant)	

Plaintiff, complaining of Defendant, alleges and says:

- 1. Plaintiff, the North Carolina State Bar (hereinafter "State Bar"), is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina and the Rules and Regulations of the North Carolina State Bar promulgated thereunder.
- 2. Defendant, Perry W. Martin (hereinafter "Martin" or "Defendant"), was admitted to the North Carolina State Bar on August 5, 1950 and is, and was at all times referred to herein, an Attorney at Law licensed to practice in North Carolina, subject to the rules, regulations, and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

Upon information and belief, the State Bar alleges:

- 3. During the times relevant herein, Defendant actively engaged in the practice of law in the State of North Carolina and maintained a law office in Ahoskie, Hertford County, North Carolina.
- 4. Defendant was retained to represent DeAnna Dodway in a matter relating to divorce and property distribution.
- 5. Defendant represented Dodway from approximately November 2008 until October 2009.
- 6. Between January 2009 and October 2009, Defendant made inappropriate comments of a sexual nature to Dodway making it known to Dodway that Defendant wanted to have sex with her. Such comments included

asking her what each button on her top would cost to unbutton or remove and, if he spent the night with her, "I would expect us to explore everything in the world sexually tonight that we could think of . . ."

7. During his representation of Dodway, Defendant tried to touch Dodway in a sexual manner, tried to kiss her and at one time placed his hands on either side of her against the wall preventing her from moving freely.

THEREFORE, the State Bar alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C.G.S. §84-28(b)(2) in that Defendant violated one or more of the Rules of Professional Conduct in effect at the time of the actions as follows: By making sexually explicit comments to Dodway, attempting to touch her in a sexual manner, and attempting to convince her to have sex with him, Defendant attempted to have sex with his client which constitutes an attempted violation of Rule 1.19(a) in violation of Rule 8.4(a) and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d).

WHEREFORE, the State Bar prays that

- 1. Disciplinary action be taken against Defendant in accordance with N.C.G.S. §84-28 (c) and 27 N.C.A.C. 1B §.0114 as the evidence on hearing may warrant,
- 2. Defendant be taxed with costs and fees in connection with this proceeding, and
 - 3. For such other and further relief as is appropriate.

This the 26 day of July, 2010.

George L. Jenkins, Vice-Chair

Grievance Committee

Margaret Cloutier, Deputy Counsel

Attorney for Plaintiff

The North Carolina State Bar

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